

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**IN THE MATTER OF THE GUARDIANSHIP  
OF THE PERSON AND THE ESTATE OF  
EUGENE WESLEY ANDERSON, an incapacitated  
person**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 4:06-CV-01588-GTE**

**EUGENE WESLEY ANDERSON**

**DEFENDANT/COUNTER CLAIMANT**

**v.**

**KATHY J. BOOHER**

**COUNTER DEFENDANT**

**and**

**EUGENE WESLEY ANDERSON**

**THIRD PARTY PLAINTIFF**

**v.**

**ROBERT WESLEY ANDERSON  
and BANKERS LIFE AND CASUALTY  
COMPANY**

**THIRD PARTY DEFENDANTS**

**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

THIS MATTER having come before the Court pursuant to the Notice of Settlement filed by Bankers Life and Casualty Company (Document Number 11) and on the Joint Motion of the Parties to dismiss this matter with prejudice, and the Court, noting that there is no objection to said dismissal, finds that same is well taken and should be granted. It is therefore ordered and adjudged as follows:

1. All Parties are ordered to execute any and all supplementary documents necessary to return ownership of Bankers Life and Casualty Company Annuity #7,787,557 to Eugene Wesley Anderson, and to restore all children of Eugene Wesley Anderson to the status of beneficiary under the Annuity.

2. All claims against Defendant Bankers Life and Casualty Company, and all claims involving Bankers Life and Casualty Company Annuity #7,787,557 are hereby dismissed with prejudice. All remaining claims that do not involve Bankers Life and Casualty Company or the subject annuity are hereby remanded to the Circuit Court of Van Buren County, Arkansas for further proceedings with regards to the Guardianship of Eugene Wesley Anderson.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that all claims against Bankers Life and Casualty Company are hereby dismissed with prejudice, with each party to bear its own costs and expenses. It is further ordered and adjudged that the remaining claims which do not involve Bankers Life and Casualty Company are remanded to the Circuit Court of Van Buren County, Arkansas for disposition.

SO ORDERED this the 26<sup>th</sup> day of January, 2007.

  
UNITED STATES DISTRICT JUDGE

Agreed and approved:

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